

ATTACHMENT J.1

STATEMENT OF WORK

INDEPENDENT REVIEW OF OCRWM, BSC AND NATIONAL LABORATORY
QUALITY ASSURANCE PLANS AND AUDIT OF THEIR IMPLEMENTATION
AND QUALITY ASSURANCE MANAGEMENT ASSESSMENT

Prepared August 31, 2006

OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT
OFFICE OF REPOSITORY DEVELOPMENT

DE-RP28-06RW12383

STATEMENT OF WORK

1.1 Work Scope Task 1 - Independent Review Of OCRWM, BSC And National Laboratory Quality Assurance Plans And Audit Of Their Implementation

To perform an independent review of the adequacy of the Quality Assurance Plans (QAP) for the OCRWM, its M&O contractor BSC LLC and select National Laboratories and audit the implementation of these plans by the organizations and their subcontractors.

1.2 Technical Requirements

The Yucca Mountain project has had a history of problems with the implementation of a Quality Assurance program, both at the OCRWM and M&O contractor and subcontractor levels. The intent of this scope of work is to accurately determine the adequacy of the current programs, both in their design and their implementation. To do this effectively, the selected contractor must have the following capabilities and experience:

- A current QAP which meets the requirements of 10CFR50, Appendix B.
- Experience performing audits of QAP implementation in the commercial nuclear power industry.
- The ability to conduct multiple audits in parallel at different locations.
- The ability to utilize people with commercial nuclear power senior management experience on the audit teams.

1.3 Schedule Requirements

The selected contractor must be capable of completing deliverables 1, 2 and 3 above within 90 days of contract award. Deliverables 4, 5 and 6 must be completed within 180 days of contract award. The schedule for deliverable 7 will be mutually agreed upon after delivery of the other deliverables.

1.4 Deliverables for this work shall be:

1. A report on the adequacy of the OCRWM QAP as compared to the requirements of 10 CFR50, Appendix B/10CFR63, Sub Part G.
2. A report on the adequacy of the BSC LLC QAP as compared to the requirements of 10CFR50, Appendix B/10CFR63, Sub Part G.
3. A report on the adequacy of the selected National Laboratories QAP as compared to the requirements of 10CFR50, Appendix B/10CFR63, Sub Part G.
4. A report on the results of an audit conducted by the contractor of the implementation by OCRWM of its QAP including recommendations for problems identified.
5. A report on the results of an audit conducted by the contractor of the implementation by BSC LLC and selected subcontractors of its QAP including recommendations for problems identified.

6. A report on the results of an audit conducted by the contractor of the implementation by the selected National Laboratories of their QAP including recommendations for problems identified.
7. A report on the results of a follow up audit to be conducted by the contractor on OCRWM, BSC LLC and the selected National Laboratories after completion of all corrective actions resulting from the initial audits.

1.5 Quality Assurance Requirements

The QAP independent adequacy reviews and the audits described in this Statement of Work are for management review and planning purposes only, therefore this work is not subject to the OCRWM Quality Assurance Requirements and Description (QARD).

Task 2 – Management Assessment

2.1 Work Scope

Contractor shall perform the management assessment of the Office of Civilian Radioactive Waste Management (OCRWM). The assessment will evaluate (1) the adequacy and effectiveness of the OCRWM's Quality Assurance Program, (2) the adequacy of resources and personnel provided to achieve and assure quality, and (3) potential quality problems that could affect mission success.

Contractor shall identify a proposed Team Lead and provide team members that collectively have sufficient training and experience commensurate with the scope of the management assessment. The names of personnel and qualifications of the contractor's designated Team Lead and team members shall be provided in the proposal. The management assessment will be conducted at OCRWM facilities in Las Vegas, NV.

2.2 Schedule

The Management Assessment Plan (deliverable 2-1) shall be submitted within 60 days after contract award. The management assessment shall be completed and the Management Assessment Report (deliverable 2-3) with draft CRs (deliverable 2-2) shall be submitted consistent with the schedule for completing Task 1.

2.3 Deliverables

1. A Management Assessment Plan shall be developed and submitted to OCRWM for approval which includes the following as a minimum:
 - A proposed schedule that identifies the organizations to be assessed and the dates of the assessment
 - Scope of the management assessment
 - Methods and criteria for evaluating the:
 - Adequacy of resources and personnel provided to achieve and assure quality

- Adequacy and implementation effectiveness of the OCRWM QA Program
 - Management assessment team members.
- 2. Draft Condition Reports (CRs) describing any identified condition(s) adverse to quality.
- 3. A Management Assessment Report shall be developed and submitted to OCRWM which includes the following as a minimum:
 - An executive summary describing the results of the management assessment
 - A description of the scope of the management assessment activity
 - Identification of personnel contacted during the management assessment
 - The results of the evaluation
 - Identification of CRs generated during the management assessment
 - Management assessment team recommendations.

2.4 Quality Assurance Requirements

This work is subject to the OCRWM *Quality Assurance Requirements and Description* (QARD), DOE/RW-0333P, and shall be performed in accordance with the OCRWM QA Program. The management assessment team shall plan, conduct, and complete the management assessment in accordance with OCRWM Line Procedure LP-2.5Q-OCRWM, *Management Assessment*.

3.0 Quality Assurance Plan

The contractor is required to submit a Performance Plan, which outlines how the contractor will ensure quality products are provided, within 30 days after contract is awarded.

ATTACHMENT J.2

REPORTING REQUIREMENTS CHECKLIST

OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT
OFFICE OF REPOSITORY DEVELOPMENT

DE-RP28-06RW12383

U.S. DEPARTMENT OF ENERGY
REPORTING REQUIREMENTS CHECKLIST

ATTACHMENT J.2

1. PROGRAM/PROJECT TITLE Independent Reviews		2. IDENTIFICATION NUMBER DE-RP28-06RW12383	
3. PARTICIPANT NAME AND ADDRESS			
4. PLANNING AND REPORTING REQUIREMENTS			
A. General Management	Frequency	E. Financial Incentives	Frequency
<input type="checkbox"/> Management Plan <input checked="" type="checkbox"/> Status Report (Contract Clause G.4) <input type="checkbox"/> Summary Report	M	<input type="checkbox"/> Statement of Income and Expense <input type="checkbox"/> Balance Sheet <input type="checkbox"/> Cash Flow Statement <input type="checkbox"/> Statement of Changes in Financial Position <input type="checkbox"/> Loan Drawdown Report <input type="checkbox"/> Operating Budget <input type="checkbox"/> Supplementary Information	
B. Schedule/Labor Cost		F. Technical	
<input type="checkbox"/> Milestone Schedule/Plan <input type="checkbox"/> Labor Plan <input type="checkbox"/> Facilities Capital Cost of Money Factors Computation <input type="checkbox"/> Contract Facilities Capital and Costs of Money <input type="checkbox"/> Cost Plan <input type="checkbox"/> Milestone Schedule/Status <input type="checkbox"/> Labor Management Report <input type="checkbox"/> Cost Management Report (with each invoice and yearly)		<input type="checkbox"/> Notice of Energy RD&D Project (Required with any of the following) <input type="checkbox"/> Technical Progress Report <div style="display: flex; align-items: center;"> <input type="checkbox"/> Draft for Review <div style="margin-left: 20px;"> <input type="checkbox"/> Final for Approval </div> </div> <div style="display: flex; align-items: center;"> <input type="checkbox"/> Topical Report <div style="margin-left: 20px;"> <input type="checkbox"/> Final Technical Report </div> </div> <div style="display: flex; align-items: center;"> <input type="checkbox"/> Draft for Review <div style="margin-left: 20px;"> <input type="checkbox"/> Final for Approval </div> </div> <div style="display: flex; align-items: center;"> <input type="checkbox"/> Software <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Other (Specify) <u>As Specified in the SOW (J.1)</u> </div> </div>	A
C. Exception Reports			
<input type="checkbox"/> Conference Record <input type="checkbox"/> Hot Line Report			
D. Performance Measurement			
<input type="checkbox"/> Management Control System Description <input type="checkbox"/> WBS Dictionary <div style="display: flex; align-items: center;"> <input type="checkbox"/> Index <div style="margin-left: 20px;"> <input type="checkbox"/> Element Definition </div> </div> <input type="checkbox"/> Cost Performance Reports <div style="display: flex; align-items: center;"> <input type="checkbox"/> Format 1 – WBS <div style="margin-left: 20px;"> <input type="checkbox"/> Format 2 – Function </div> </div> <div style="display: flex; align-items: center;"> <input type="checkbox"/> Format 3 – Baseline </div>			
5. FREQUENCY CODES			
A – As Required C – Change to Contractual Agreement F – Final (end of effort)		M – Monthly O – Once After Award Q – Quarterly S – Semi-Annually X – With Proposal/Bid/Application or with Significant Changes Y – Yearly or Upon Renewal of Contractual Agreement	
6. SPECIAL INSTRUCTIONS (ATTACHMENTS)			
<input checked="" type="checkbox"/> Report Distribution List/Addressees <input type="checkbox"/> Reporting Elements <input type="checkbox"/> Due Dates		<input type="checkbox"/> Analysis Thresholds <input type="checkbox"/> Work Breakdown Structure <input type="checkbox"/> Other	
7. PREPARED BY (SIGNATURE AND DATE)		8. REVIEW BY (SIGNATURE AND DATE)	
		<i>Spencer R. Peterson</i> 8/31/06	

Report Distribution List

Report Plan	Frequency	Number of Copies	Addressee(s) (See Below)
Invoice	M	2	1, 2, 3
Draft Reports (15 days prior to Final)	A	2	1,2
Final Report	A	2	1,2

Deliverables Distribution

1. U.S. Department of Energy
Office of Civilian Radioactive Waste Management
Attn: Spencer R. Peterson, M/S 521
1551 Hillshire Drive Suite A
Las Vegas, NV 89134-6321
2. U.S. Department of Energy
Office of Civilian Radioactive Waste Management
Attn: Michael Ulshafer, M/S 524
Hillshire Drive Suite A
Las Vegas, NV 89134-6321
3. U.S. Department of Energy (original invoice copy of SF 1034)
Oak Ridge Financial Service Center
P.O. Box 5807
Oak Ridge, TN 37831

REPORTING REQUIREMENTS CHECKLIST

PURPOSE

The checklist identifies and communicates additional reporting requirements, which are not otherwise set forth in DOE contractual agreement. It will be included as part of the contractual agreements. The checklist will be completed for each contract or financial incentive agreement. If necessary, special instructions may be appended to modify the checklist to adapt it to specific situation.

INSTRUCTIONS

Item 1. Enter the title of the project as indicated in the procurement request, contract, interagency agreement, initiating memorandum, or official award, as appropriate.

Item 2. Enter the identification number of the procurement request, contract award, or financial incentives agreement, as appropriate.

Item 3. Enter the name and address of the participant.

Item 4. Check spaces to indicate plans and reports selected. For each reporting requirement selected, indicate the frequency of delivery using one of the frequency codes from Item 5. The addressees to whom reports will be sent and the total number of copies required will be referenced in an attached coded distribution list.

Note: Frequency codes represent specific reporting frequencies for each selected report. The frequencies are recommended in the solicitation and negotiated prior to award. The number of copies required and the addressees are similarly finalized prior to award.

Item 5. This item lists the possible frequency codes to be applied in the selection of reporting requirements.

Item 6. Attach special instructions as necessary. Check the appropriate box(es).

Item 7. Signature of person preparing checklist and the date prepared.

Item 8. Signature of person reviewing the checklist and date reviewed.

ATTACHMENT J.3

BILLING INSTRUCTIONS

OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT
OFFICE OF REPOSITORY DEVELOPMENT

DE-RP28-06RW12383

BILLING INSTRUCTIONS

I. INTRODUCTION

These instructions are provided for use by the Contractor in the preparation and submission of vouchers or invoices requesting reimbursement for work performed on negotiated labor hour, cost-type contracts. Reimbursement procedures related to negotiated labor hour, cost-type contracts involve the preparation and submission by the Contractor of adequately prepared claims to the Government. The submission of vouchers as suggested herein will reduce correspondence and other causes for delay to a minimum and will thus assure prompt payment to the Contractor.

II. In requesting reimbursement, contractors will use the Government voucher Standard Form (SF) 1034, Public Voucher for Purchases and Services Other Than Personal, or an acceptable substitute which provides the same necessary information as found in paragraph III, below and other information described elsewhere in these instructions.

III. Each SF-1034 voucher will be prepared in an original and two copies. The voucher will include the following information:

- (1) Date voucher prepared and voucher number.
- (2) Contractor's name, mailing address and phone number.
- (3) Contract number and date of contract.
- (4) Identify the period billing covers (i.e., month of April).
- (5) Show the dollar amount of this billing. The amount claimed must agree with amount reflected in the detailed summary statement.
- (6) Place an X in the appropriate block for the type of payment for which reimbursement is requested.

IV. Monthly provisional billing and monthly reports covering the same period of performance shall be transmitted simultaneously.

a. The contractor shall submit an original to:

U.S. Department of Energy
Oak Ridge Financial Service Center
P.O. Box 5807
Oak Ridge, TN 37831

One copy of the invoice shall be submitted to Contract Specialist.

b. The certification of the Statement of Cost (or Consolidated Statement of Cost if Task/Work Orders are involved) attached to the original voucher must be signed by a responsible official of the contractor.

- c. The certification of Statement of Cost (or Consolidated Statement of Cost) should include the name and telephone number of the Contractor's contact for resolution of questions.
- d. The voucher shall include a backup sheet in the format contained at the "Sample Detailed Backup" for each task order active during the billing period; and shall include a summary backup sheet that combines the data from the all of the task order detailed backup sheets.

SAMPLE DETAILED BACKUP

The ABC Company
Anywhere, USA, 01234

Contract No. DE-AC28-02RW12123

Obligated:	Date of last obligation:	\$XXX, XXX
	Amount of last obligation:	<u>X, XXX</u>
	Cumulative Total obligation:	\$XXX, XXX

Period of Performance: January 1 – January 31, 20XX

Category	Hours this Period	Cumulative hours to date	Cost this Period	Cumulative Costs to Date
Direct Labor Rates				
Rate #1				
Rate #2				
Rate #3				
Total Labor Cost				
Travel Cost				
Total Cost				

CERTIFICATION: I certify that this invoice is correct and in accordance with the terms of the contract and that the costs included herein have been incurred, represent the payments made by the contractor except as otherwise authorized in the payment clauses of the contract and properly reflect the work performed.

(Signature)

(Title)

(Note: Attach one copy of support documents for Direct Labor, and Travel to this billing).

SAMPLE FORMAT FOR SUPPORT DOCUMENTS

The purpose of the support documentation is to allow the DOE technical representative to relate the progress achieved by the Contractor to the cost incurred and enhance his ability to manage the program. The support document should be presented in enough detail to meet these objectives.

Travel

- (1) A copy of the detailed travel expense report without copies of receipts, tickets, etc.; or
- (2) A listing reflecting the name of the individual, destination, date of departure and return, purpose of trip, and total travel costs incurred.

Direct Labor

- (1) Listing by name and hours charged to this contract during the billed period; or
- (2) Listing by labor category, (i.e., senior manager, safety oversight specialist, regulatory compliance specialist, etc.) and hours charged to this contract during the current billing period.

ATTACHMENT J.4

MEMORANDUM FROM LEE LIBERMAN OTIS, GENERAL COUNSEL
DATED MAY 5, 2003

OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT
OFFICE OF REPOSITORY DEVELOPMENT

DE-RP28-06RW12383



Department of Energy


Washington, DC 20585

May 5, 2003

MEMORANDUM TO:

Distribution

FROM:

Lee Liberman Otis 
General Counsel

SUBJECT:

Screening and Processing of Licensing Support Network
Documentary Material

I. Background

This memorandum is a follow-up to my memorandum of August 9, 2002 (Attachment 1), which directed DOE program and field offices to search for, preserve, segregate and retain any documentary material that may be potentially relevant to the Nuclear Regulatory Commission (NRC) licensing proceeding for the development of a geologic repository at Yucca Mountain, Nevada. In response to that memo, many offices provided information to the Office of Civilian Radioactive Waste Management (OCRWM) regarding the estimated linear feet of hard copy, e-mail, and other record media that may be potentially relevant to the licensing proceeding and included in the Licensing Support Network (LSN). This memorandum provides further guidance to DOE program and field offices that may have documentary material having any bearing on the characterization and license application process for a repository at the Yucca Mountain site.

In view of the LSN requirements and schedule, the actions to be taken pursuant to guidance in this memorandum require your immediate attention and response. It is now necessary for each DOE office (including appropriate contractors) to follow the guidance below to review his or her documentary material, provide an updated estimate of potentially relevant documents, and prepare the documentation for processing. OCRWM recently arranged for the firm CACI, Inc. to provide litigation support services associated with the immediate task of screening and processing documentary material into the LSN. This guidance explains what documents (including paper copies, electronic documents, e-mail, etc.) are to be segregated and retained for discovery in the licensing process and made available to CACI for LSN processing. This guidance will assist your office in providing CACI with a refined estimate of the volume of potentially relevant documentation for the LSN. This guidance also explains the process of working with CACI so that your documents may be collected and entered into the LSN.

Each of you is required to designate a responsible manager in your organization and in each of your contractor organizations who will be required to certify that he or she has identified all of that organization's documentary material potentially relevant to the licensing proceeding as defined in the NRC regulations and provided such documentary material to CACI for LSN processing as specified in this memorandum.

By **May 15, 2003**, your office needs to provide to the CACI Point of Contact (POC) the name, position title and contact information (e.g., phone number and e-mail address) of the responsible individual in your organization and in each of your contractor organizations who will manage



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and be the point of contact for this effort (hereafter termed "LSN POC"). The CACI POC on this effort is Dan Maerten. Mr. Maerten can be reached at (703) 841-3753, or by email at Dmaerten@caci.com.

Once the LSN POCs are identified and those names provided to the CACI POC, DOE Office of the General Counsel will follow-up with each LSN POC to provide a briefing for you and appropriate staff concerning this process, with an opportunity for questions and answers.

II. Guidance on the Identification of Relevant Documents

Pursuant to my memorandum of August 9th and Dr. Margaret S.Y. Chu's memorandum of August 12, 2002 (Attachment 2), each office was to search for, segregate, and maintain all potentially relevant documentary material as defined in NRC regulations found at 10 C.F.R. Part 2, Subpart J. The following guidance is provided to clarify and focus your search, estimation, retention and segregation efforts.

A. Documents to be Segregated and Made Available to CACI for LSN Processing

1. Any documents (e.g., paper, e-mail, electronic, graphic-oriented, etc.) that are potentially relevant to licensing-related activities. NRC has defined relevancy in broad terms as having any possible bearing on the licensing proceeding and has made it clear that the relevancy of a document is not dependent on whether or not the document supports the position of a party or whether or not it is relied upon or cited by a party. Any documents regardless of form or characteristic that could have any possible bearing on the licensing of a repository at the Yucca Mountain site are potentially relevant and should be made available to CACI for LSN processing.
2. Privileged documents that are potentially relevant to licensing-related activities. These documents should be identified and segregated from other relevant documents to facilitate handling and processing by CACI. Types of privileged documents include:
 - a. Documents reflecting attorney-client communications, which are confidential communications between an attorney and a client (or a person working for the client) relating to a legal matter in which the attorney is representing the client; and attorney work product, which are documents prepared by or for an attorney in connection with or in anticipation of litigation, which includes in connection with or in anticipation of the licensing proceeding.
 - b. Deliberative process documents, which are predecisional interagency or intra agency documents (other than drafts or circulated drafts), that reflect the Government's decision-making process. (See section II.B. for the

handling of draft documents other than circulated drafts and paragraph 4 below for the handling of circulated drafts.)

- c. Proprietary documents containing confidential trade secrets or commercial or financial information.
 - d. Documents, not otherwise classified as National Security Information or Restricted Data, containing safeguards and security information which identifies detailed security measures for the physical protection of special nuclear material.
- 3. Classified documents that are potentially relevant to licensing-related activities should be identified and segregated from other relevant documents to facilitate handling and processing by CACI.
 - 4. All draft documents potentially relevant to licensing-related activities that have been circulated for concurrence and upon which a nonconcurrence has been registered. This type of draft document, termed "circulated draft", should be identified and segregated from other draft or relevant documents to facilitate handling and processing by CACI.
 - 5. Procurement documents of the following type:
 - a. the scope of work on a procurement related to repository siting;
 - b. the scope of work on a procurement related to construction or operation of the repository; or
 - c. the scope of work on a procurement related to the transportation of spent nuclear fuel or high-level waste.

B. Documents to be Segregated and Retained in Your Office

Under the NRC regulations, certain documents are not required to be included in the LSN; however, these documents may be subject to discovery in connection with depositions or required to be maintained for other purposes. This type of document is described below, and should be segregated and retained in individual offices for possible collection at a later time.

- 1. All preliminary drafts of any documents (e.g., paper, e-mail, electronic, etc.) that are potentially relevant to licensing-related activities. A preliminary draft means any non-final document that is not a "circulated" draft, as defined in section II.A.4.

2. All documents, draft or final, that would not meet the criteria set forth in section II. A above but that have marginalia potentially relevant to licensing-related activities. "Marginalia" means handwritten, printed, or other types of notations added to a document excluding underlining and highlighting.
3. All personal records, travel vouchers, and speeches that are potentially relevant to licensing-related activities. "Personal record" means a document in the possession of an individual that was not required to be created or retained by the party, that could otherwise be retained or discarded at the possessor's sole discretion, or documents of a personal nature that are not associated with any business of the Department of Energy.
4. All documents exclusively related to off-site transportation activities (e.g. routes) that have no bearing on licensing the repository for construction, operation or closure should be segregated and retained. Transportation documents that have a bearing on the licensing of the repository (e.g. cask certification documents) should be included with the documents listed in section II.A. for CACI processing.
5. Duplicate documents that are potentially relevant to licensing-related activities. A duplicate document means a document that is an exact copy of another document. This includes items printed from the OCRWM records management system.
6. Documents in non-OCRWM offices (e.g., DOE Operations Offices, Naval Reactors) describing DOE spent nuclear fuel and high-level radioactive waste and Naval Reactor spent nuclear fuel storage, management, or treatment (See II.C.3.a. below).

C. Documents that Should Not be Made Available to CACI for LSN Processing

1. The following list of material is excluded by NRC regulation (10 C.F.R. 2.1005) from the LSN. However, if they contain marginalia (see section II.B.2 above) that are potentially relevant to the NRC licensing proceeding, they should be segregated and retained in your office.
 - a. Official notice materials (e.g. Federal Register Materials, DOE Orders).
 - b. Reference books and text books.
 - c. Material pertaining exclusively to administration. For example, material exclusively related to budgets, financial management, personnel, office space, and general distribution memoranda.

- d. Material pertaining exclusively to procurement, **except for procurement documents related to:**
 - i. the scope of work on a procurement related to repository siting;
 - ii. the scope of work on a procurement related to construction or operation of the repository; or
 - iii. the scope of work on a procurement related to the transportation of spent nuclear fuel or high-level waste.
 - e. Press clippings and press releases.
 - f. Junk mail.
 - g. References cited in contractor reports that are readily available (e.g., NRC Regulatory Guides, Nuclear Waste Technical Review Board publications).
 - h. Readily available references, such as journal articles and proceedings, which may be subject to copyright.
2. The following categories of documents generally are not potentially relevant to licensing-related activities; therefore, except for documents in these categories that bear on the licensing of a repository at the Yucca Mountain site which should be made available under II.A.1, documents in these categories should not be segregated and made available to CACI for LSN processing. However, if they contain marginalia (see section II.B.2 above) that are potentially relevant to the NRC licensing proceeding, they should be segregated and retained in your office.
- a. Documents exclusively related to the Office of the Nuclear Waste Negotiator.
 - b. Documents exclusively related to activities to select a monitored retrievable storage facility site.
 - c. Documents exclusively related to site suitability of other potential repository sites.
3. The following is a list of documents that to the extent potentially relevant to licensing-related activities are already in OCRWM possession. These documents should not be segregated and made available to CACI for LSN processing. However, if they contain marginalia (see section II.B.2 above) that are potentially relevant to the NRC licensing proceeding, they should be segregated and retained in your office.
- a. Documents in non-OCRWM offices (e.g., DOE Operations Offices, Naval

Reactors) describing DOE spent nuclear fuel and high-level radioactive waste and Naval Reactor spent nuclear fuel storage, management, or treatment. **Although the information your office presently possesses is not required to be processed for the LSN, it is critical that your office continue to retain such documentation for purposes of future waste acceptance and disposal at a Yucca Mountain repository.** This information may be required at the time of shipment to verify that the waste meets OCRWM waste acceptance criteria for disposal in the repository.

- b. OCRWM-controlled documents. Attached to this memorandum is a non-exclusive list of OCRWM documents that may be in your possession, that should not be segregated for CACI processing. See Attachment 3.
- c. OCRWM-contractor publications. Attached to this memorandum is a non-exclusive list of OCRWM-contractor documents that may be in your possession, that should not be segregated for CACI processing. See Attachment 4.

III. Process for Estimation and Segregation of Documentary Material

To facilitate planning for processing of documents for the LSN, you are required, as noted above, to designate a responsible individual in your organization and in each of your contractor organizations as an LSN POC who will manage and be the point of contact for the organization's LSN effort. The LSN POC will be responsible for: 1) coordinating the organization's hard copy estimation and document collection effort; 2) coordinating with the organization's Information Technology (IT) POC; and 3) communicating and coordinating with the CACI POC on the estimation of volume, location and collection of hard copy and electronic documentary material from individuals. Provided below is an outline of the process to be followed by the LSN POC and individuals in estimating, segregating and preparing documents for processing by CACI. The attached form (Attachment 5) describes the information to be provided by individuals to the LSN POC. Attachment 6 is a schematic presentation of the screening and processing of LSN documentary material.

The LSN POC shall ensure that the following steps are taken by his or her organization and the individuals within the organization.

- A. **Review documentary material based on the guidance above.** Individuals should review his or her documentary materials following the guidance provided in section II of this memorandum. The documentary material that complies with the above guidance for documents to be segregated and made available to CACI for LSN processing should be made ready for CACI processing as described below.
- B. **For hard copy documentary material, segregate the documentary material for LSN**

processing. Each individual should segregate his or her hard copy documentary material that is to be made available to CACI for processing into the LSN into four categories:

- 1) circulated drafts, as described in section II.A. above;
- 2) privileged documents as described in II.A. above;
- 3) classified documents as described in II.A. above; and
- 4) all other relevant documents as described in II.A. above.

For each of these categories, the hard copy documentary material should be further segregated into two subcategories:

- 1) "active" documents currently in regular use that cannot be shipped to CACI for processing offsite.
- 2) "inactive" documents not in regular use that can be shipped to CACI for processing.

- C. Each individual should estimate the amount of hard copy documentary material for each category and subcategory above located in his or her office, complete the document reporting form (Attachment 5) and provide that form to his or her LSN POC. To ensure consistency between organizations, the following guidelines for estimation are provided. Do not count file cabinet drawers. Open each drawer, push all the files to one end and use a ruler to measure the contents. For your page count estimates, please use 200 pages per inch, 2400 pages per foot.**
- D. Each LSN POC will provide the information on volume and location of hard copy documentary material within the organization to CACI's POC by June 16, 2003. Estimates of documentary material using the attached form (Attachment 5) should be grouped by geographic location, by program offices, both DOE and contractor, and by individual offices, both DOE and contractor. An organizational chart shall be provided to CACI to assist in this effort.**
- E. For electronic documentary material, each individual should notify his or her LSN POC if he or she have such material. Electronic material will not be segregated and collected by individuals in the same manner as hard copy material. Each LSN POC will provide to the CACI POC (see paragraph III.D. above) an estimate of the number of individuals and his or her locations who have potentially relevant electronic record material, and the name of the organization's IT POC. The IT POC will provide CACI with information about the e-mail system including volume, native format and back-up medium. CACI will work with the IT POC to coordinate transfer and screening of the e-mail system for potentially relevant documents. For computer files, the LSN POC and the IT POC will coordinate with the CACI POC and individuals to establish a system for transfer of potentially relevant electronic files (identified based on guidance in II.A. above) for screening and processing by CACI.**

- F. **Certification of No Potentially Relevant Documents.** If an organization has no potentially relevant documents (e.g., hard copy documents, e-mails, electronic files, etc.), the LSN POC shall send a certification to CACI's POC by **June 16, 2003**, certifying that the organization has no relevant documents.

IV. **Process for Collection of Hard Copy Documentary Material**

Based on the estimated volume of hard copy documents and location, CACI will determine the most appropriate method for collecting and processing hard copy documents. In most cases, CACI will request that all inactive documents and copies of as many of the active documents as possible should be boxed to ship to CACI for processing. CACI will notify the LSN POC to arrange for the timely boxing of documents. CACI will make arrangements for shipping and provide the LSN POC an account number that will charge the cost to the CACI contract. The LSN POC shall ensure that each box is labeled with the location name and the number of that box out of the total number of boxes from that location. There is no need to copy or index the documents provided to CACI. The documents will be returned in the manner in which provided to CACI. When boxes are ready to be picked up, the LSN POC should notify the CACI POC.

For any documents that cannot be shipped to CACI for processing, the LSN POC needs to provide details to the CACI POC by **June 16, 2003**, as to volume of that material so that alternate retrieval options can be arranged. CACI will need to be provided very clear details regarding access to the facility where the materials are located and to the materials in question (i.e., would you permit the documents to be taken out of your facility by a local copy vendor, or would any copying or imaging need to be done on site within your facility?).

V. **Certification and Ongoing Document Retention and Segregation**

Segregation and retention of potentially relevant documentary material is an ongoing obligation of each individual and organization. To the extent a program office or contractor organization produces additional documentation not already processed by CACI that may be potentially relevant documentary material for the LSN as described in this memorandum, such documentary material must continue to be retained and segregated for future collection and processing. Guidance and coordination regarding ongoing document collection and certification will be provided at a later time.

Certification. After completing the screening process outlined in this memorandum, and coordinating transfer procedures for each collection, the responsible manager for each DOE program and contractor office must certify that he or she has identified and provided to CACI all documentary material potentially relevant to the NRC licensing application that is required to be processed for the LSN as defined in the NRC regulations and further specified in this memorandum. CACI will provide a form for this certification and will collect the certification at the conclusion of each office's document processing.

If you have any questions regarding this memorandum and its requirements regarding your

documents, please contact Martha Crosland at (202) 586-5793 or Matt Urie at (202) 586-6732 with the Office of General Counsel.

Attachments

Distribution

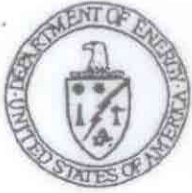
Office of the Secretary
Office of the Deputy Secretary
Office of the Under Secretary
Administrator of National Nuclear Security Administration
Director, Office of Civilian Radioactive Waste Management
Director, Office of Nuclear Energy, Science and Technology
Assistant Secretary for Environmental Management
Director of Management, Budget and Evaluation/Chief Financial Officer
Assistant Secretary for Environment, Safety and Health
Assistant Secretary for Congressional and Intergovernmental Affairs
Assistant Secretary for Policy and International Affairs
Director of Public Affairs
Director, Office of Science
Director, Office of Security and Emergency Operations
Director, Office of the Executive Secretariat
Administrator, Energy Information Administration
Director, National Nuclear Security Administration Service Center
Manager, Sandia Site Office
Manager, Albuquerque Site Office
Manager, Livermore Site Office
Manager, Los Alamos Site Office
Manager, Nevada Site Office
Manager, Chicago Operations Office
Manager, Idaho Operations Office
Manager, Oakland Operations Office
Manager, Oak Ridge Operations Office
Manager, Ohio Field Office
Manager, Richland Operations Office
Manager, Savannah River Operations Office
Manager, Office of River Protection

cc:

Deputy Administrator for Defense Nuclear Nonproliferation
Deputy Administrator for Naval Reactors

Attachment 1

August 9, 2002, Memorandum from Lee Liberman Otis
Subject: Search for and Retention of Relevant Hard Copy and Electronic
Documents for the Licensing Support Network



Department of Energy
Washington, DC 20585

August 9, 2002

MEMORANDUM FOR: Distribution

FROM: Lee Liberman Otis *jl*
General Counsel

SUBJECT: Search for and Retention of Relevant Hard Copy and
Electronic Documents for the Licensing Support Network

1. Introduction

With the recent designation of the Yucca Mountain site for development as a geologic repository, the Department is moving forward into the licensing phase of the repository project. In conjunction with the preparation of the license application, the Department must prepare for the licensing proceeding that the Nuclear Regulatory Commission (NRC) will undertake in reviewing and determining whether to grant the Department a license to construct, operate and ultimately close the repository. A significant part of the NRC licensing proceeding (similar to court litigation) entails the discovery and production of documents (including electronic documents and e-mail) and other evidence relevant to the license application. The responsibility for the production and retention of documents extends to all offices and personnel within DOE and its contractors that work on licensing-related activities.

In order to comply fully with our obligations under NRC regulation, we need you to distribute this memo to all members of your staff that may have the kind of information described below. Section 3 of this memorandum outlines the steps each recipient of this memo must take in compliance with this directive.

2. The Licensing Support Network

The scope and process of discovery for the licensing proceeding have been defined by the NRC regulation found at 10 C.F.R. Part 2, Subpart J. To manage the document discovery process the NRC has directed the establishment of a Licensing Support Network (LSN). The LSN will be an internet based document discovery system that will contain all of DOE's documents relevant to the licensing proceeding, as well as documents of the NRC and other parties to the proceeding. DOE is responsible for loading the LSN with all of its discovery documents no later than six months in advance of submission of the license

application. DOE must certify that all relevant documents are included at that time (initial certification), and again at the time the license application is submitted.

a. Documents Included in the LSN

The NRC regulations at 10 C.F.R. Part 2, Subpart J require DOE to include all documentary material in the LSN. Documentary material is a very broad term that includes all relevant documents. Document is defined as any written, printed, recorded, magnetic, graphic matter, or other documentary material regardless of form or characteristic. Thus, it includes not only printed material, but also electronic material and information such as computer files and e-mail. It also includes graphic material and information such as raw data, computer runs, computer programs and codes, field notes, laboratory notes, diagrams, and photographs. NRC has defined relevant in broad terms as having any possible bearing on a proceeding. NRC has made clear that the relevancy of a document is not dependent on whether or not it supports the position of a party or whether or not it is relied upon or cited by a party.

In order to permit compliance with the NRC regulation, it is necessary to identify and retain all potentially relevant documents. Any circulated draft, which is defined as a non-final document circulated for supervisory concurrence or signature in which the original author or others in the concurrence process have non-concurred, should be considered a relevant document. Relevant documents that may be privileged (e.g., attorney-client, security-related, deliberative) also must be searched for and retained as outlined below. Such documents are identified in the LSN, but are not accessible unless otherwise required by the NRC.

b. Documents Not Included in the LSN

Certain categories of documents can be excluded from the LSN. These categories include: official notice materials, reference books, text books, press clippings and press releases, junk mail, and administration material such as budget, financial management, personnel, office space, and general distribution memoranda.

3. Actions to be Taken

To ensure the LSN is comprehensively populated at the time of initial certification, it is imperative that each office search for, segregate, and retain existing documents, and retain all documents on an ongoing basis, that may be included in the LSN. In searching for documents, the term relevant document is to be interpreted broadly in accordance with NRC guidance. Because of the intended purpose of the LSN, your search is not subject to limitations with which you may be familiar regarding what must be produced in response to other kinds of requests for information, such as requests under the

Freedom of Information Act (FOIA) or pursuant to litigation in federal court, which may be limited to federal records or subject to certain exclusions. Accordingly, if you have any information that may meet the above definitions for relevant documents you should take the following actions immediately:

a. **Search for documents.** Identify whether you have any materials in your files, in your computer hard drive and disks, in your e-mail system, or in any other form or format that relates to the following categories:

i. **Information/documents expected to be relied upon or cited in our position in the licensing proceeding.** This includes not only information expected to be relied upon in the license application (LA) and material directly referenced therein, but also includes information that would enable us to trace the origin of information in the LA, to identify the quality assurance (QA) requirements that were applicable to its production, to determine whether it met those QA requirements, and to determine how the information was evaluated and used in the preparation of the LA. Since the content and scope of the LA have not been finalized, nor have contentions been raised, assume all issues/sub-issues have to be traceable from the initial data to its use in the LA and err on the side of retention.

ii. **Information/documents that are relevant to, but do not support our position.** This includes not only documents that are directly contrary to our position, or those that call our position into question, but also any other information in our possession that may have a bearing on, but does not directly support, our position. This includes data and analysis that may have a bearing on our position, but has not been used in support of our position.

iii. **All reports and studies relevant to the license application and the issues set forth in the Topical Guidelines in NRC Regulatory Guide 3.69.** This includes all reports and studies relevant to the LA and the Topical Guidelines. It does not include reports made for other potential sites and predecessor agencies that have no bearing on the Yucca Mountain site. The Topical Guidelines outline 10 CFR Part 63 and the draft Yucca Mountain Review Plan in a broad expansive format. Therefore, all reports and studies done on these areas should be considered potentially relevant, regardless of whether or not they are used in support of the LA.

b. **Preserve E-Mails.** Preserve any e-mails that in any way relate to the information described above. Specifically, **YOU MUST PRESERVE ANY RESPONSIVE E-MAILS THAT YOU CURRENTLY HAVE IN YOUR POSSESSION OR THAT YOU MAY SEND OR RECEIVE IN THE FUTURE.** This direction will remain in place until further notice and takes precedence over any other instructions concerning e-mails.

Attachment 2

August 12, 2002, Memorandum from Dr. Margaret S. Y. Chu
Subject: Search for and Retention of Relevant Hard Copy and Electronic
Documents for the Licensing Support Network



Department of Energy

Washington, DC 20585

August 12, 2002

MEMORANDUM FOR DISTRIBUTION

FROM: DR. MARGARET S. Y. CHU, DIRECTOR
OFFICE OF CIVILIAN RADIOACTIVE
WASTE MANAGEMENT *JKW*

SUBJECT: Search for and Retention of Relevant Hard Copy and
Electronic Documents for the Licensing Support Network

1. Introduction

With the recent designation of the Yucca Mountain site for development as a geologic repository, the Department is moving forward into the licensing phase of the repository project. In conjunction with the preparation of the license application, the Department must prepare for the licensing proceeding that the Nuclear Regulatory Commission (NRC) will undertake in reviewing and determining whether to grant the Department a license to construct, operate and ultimately close the repository. A significant part of the NRC licensing proceeding (similar to court litigation) entails the discovery and production of documents (including electronic documents and e-mail) and other evidence relevant to the license application. The responsibility for the production and retention of documents extends to all offices and personnel within DOE and its contractors that work on licensing-related activities.

In order to comply fully with our obligations under NRC regulation, all federal and contractor staff working for Office of Civilian Radioactive Waste Management (OCRWM) are required to read this memorandum and respond as appropriate. Section 3 of this memorandum outlines the steps each recipient of this memo must take in compliance with this directive.

2. The Licensing Support Network

The scope and process of discovery for the licensing proceeding have been defined by the NRC regulation found at 10 C.F.R. Part 2, Subpart J. To manage the document discovery process the NRC has directed the establishment of a Licensing Support Network (LSN). The LSN will be an internet based document discovery system that will contain all of DOE's documents relevant to the licensing proceeding, as well as documents of the NRC and other parties to the proceeding. DOE is responsible for loading the LSN with all of its discovery documents no later than six months in advance of submission of the license



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application. DOE must certify that all relevant documents are included at that time (initial certification), and again at the time the license application is submitted.

a. Documents Included in the LSN

The NRC regulations at 10 C.F.R. Part 2, Subpart J require DOE to include all documentary material in the LSN. Documentary material is a very broad term that includes all relevant documents. Document is defined as any written, printed, recorded, magnetic, graphic matter, or other documentary material regardless of form or characteristic. Thus, it includes not only printed material, but also electronic material and information such as computer files and e-mail. It also includes graphic material and information such as raw data, computer runs, computer programs and codes, field notes, laboratory notes, diagrams, and photographs. NRC has defined relevant in broad terms as having any possible bearing on a proceeding. NRC has made clear that the relevancy of a document is not dependent on whether or not it supports the position of a party or whether or not it is relied upon or cited by a party.

In order to permit compliance with the NRC regulation, it is necessary to identify and retain all potentially relevant documents. Any circulated draft, which is defined as a non-final document circulated for supervisory concurrence or signature in which the original author or others in the concurrence process have non-concurred, should be considered a relevant document. Relevant documents that may be privileged (e.g., attorney-client, security-related, deliberative) also must be searched for and retained as outlined below. Such documents are identified in the LSN, but are not accessible unless otherwise required by the NRC.

b. Documents Not Included in the LSN

Certain categories of documents can be excluded from the LSN. These categories include: official notice materials, reference books, text books, press clippings and press releases, junk mail, and administration material such as budget, financial management, personnel, office space, and general distribution memoranda.

3. Actions to be Taken

To ensure the LSN is comprehensively populated at the time of initial certification, it is imperative that each individual search for, segregate, and retain existing documents, and retain all documents on an ongoing basis, that may be included in the LSN. In searching for documents, the term relevant document is to be interpreted broadly in accordance with NRC guidance. Because of the intended purpose of the LSN, your search is not subject to limitations with which you may be familiar regarding what must be produced in response to other kinds of requests for information, such as requests under the Freedom of

Information Act (FOIA) or pursuant to litigation in federal court, which may be limited to federal records or subject to certain exclusions. Accordingly, if you have any information that may meet the above definitions for relevant documents you should take the following actions immediately:

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c. **Segregate and Retain Documents.** Segregate and retain any documents or other materials that may relate to the described information until further notice. Documents and information should be set aside in an orderly manner to facilitate further processing. To the extent that your office has a document destruction policy, the direction in this memo to preserve the documents governs.

d. **Await Further Direction.** As noted above, please search for, segregate, and retain all responsive documents (including e-mails) on an ongoing basis. Arrangements for the collection of each office's documents to be screened for inclusion in the LSN will be made at a later date. A point of contact (POC) in each office will be contacted with additional instructions. At this point it is critically important to collect and set aside your documents so that they can be easily turned over at the appropriate time. While we will attempt to provide as much notice as possible regarding the collection of the documents, we have a formidable task before us and some offices may be asked to turn over their documents on short notice.

4. Notification

Please notify Linda Desell in RW at 202-586-1462 no later than August 16, 2002 of a point of contact (POC) within your office who is coordinating distribution of and responses to this memorandum. By August 30, 2002, we need a response from each POC to Linda Desell of the general volume of documents that your office contains.

If you or your staff have any questions regarding whether documents are responsive to these categories, your POC should contact Cathy Reynolds in GC at 202-586-3359.

Thank you for your immediate attention to these matters.

Distribution:

RW-1, 2 & 3

RW-40

RW-50

Yucca Mountain Site Characterization Office

BSC, LLC (East and West)

Booz Allen Hamilton (East and West)

University and Community College System of Nevada

RCS Corporation

RS Information Systems

Lechel, Inc

Morgan, Lewis LLC

Navarro Quality Services

Los Alamos National Laboratory

Lawrence Berkley Laboratory

Lawrence Livermore National Laboratory

Sandia National Laboratory

Argonne National Laboratory

Pacific Northwest Laboratory

U.S. Geologic Survey



Department of Energy

Washington, DC 20585

August 12, 2002

MEMORANDUM FOR DISTRIBUTION

FROM: DR. MARGARET S. Y. CHU, DIRECTOR
OFFICE OF CIVILIAN RADIOACTIVE
WASTE MANAGEMENT *JKE-kr*

SUBJECT: Search for and Retention of Relevant Hard Copy and
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4

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Lechel, Inc

Morgan, Lewis LLC

Navarro Quality Services

Los Alamos National Laboratory

Lawrence Berkley Laboratory

Lawrence Livermore National Laboratory

Sandia National Laboratory

Argonne National Laboratory

Pacific Northwest Laboratory

U.S. Geologic Survey

Attachment 3 – Non-exclusive List of OCRWM Documents

Document Title and Date

- Yucca Mountain Site Characterization Plan (1988)
- Viability Assessment of a Repository at Yucca Mountain (1998)
- Yucca Mountain Preliminary Site Suitability Evaluation (2001)
- Yucca Mountain Site Suitability Evaluation (2002)
- Recommendation by the Secretary of Energy Regarding the Suitability of the Yucca Mountain Site for a Repository Under the Nuclear Waste Policy Act of 1982 (2002)
- Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nevada (1999)
- Supplemental Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada (2001)
- Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada (2002)
- Yucca Mountain Science and Engineering Report (2001)
- Yucca Mountain Science and Engineering Report, Revision 1 (2002)
- Site Recommendation Comment Summary Document

Attachment 4 – Non-exclusive List of OCRWM-Contractor Documents

Document Title and Date

- Total System Performance Assessment for the Site Recommendation (CRWMS M&O 2000)
- Total System Performance Assessment for the Viability Assessment (1998)
- Yucca Mountain Site Description (CRWMS M&O 2000)
- Integrated Site Process Model Report (CRWMS M&O 2000)
- Near Field Environment Process Model Report (CRWMS M&O 2000)
- Engineered Barrier System Degradation, Flow and Transport Process Model Report (CRWMS 2000)
- Waste Package Degradation Process Model Report (CRWMS 2000)
- Waste Form Degradation Process Model Report (CRWMS 2000)
- Saturated Zone Flow and Transport Process Model Report (CRWMS 2000)
- Biosphere Process Model Report (CRWMS 2000)
- Disruptive Events Process Model Report (CRWMS 2000)
- FY01 Supplemental Science and Performance Analyses, Volume 1: Scientific Basis and Analyses (BSC 2001)
- FY01 Supplemental Science and Performance Analyses, Volume 2: Performance Analyses (BSC 2001)
- Preliminary Preclosure Safety Assessment for Monitored Geologic Repository Site Recommendation (BSC 2001)
- Technical Update Impact Letter Report (BSC 2001)

DOE LSN
Document Reporting Form for Individuals

Instructions:

1. Review all material as per the memorandum.
 2. Fill in this form.
 - a. To measure volume of hard copy material: Do not count file cabinet drawers or boxes. Open each drawer or box, push all the documents to one end and use a ruler to measure the contents in inches. For your page count estimates, please use 200 pages per inch, 2400 pages per foot.
 - b. For electronic material, indicate on this form whether you have potentially relevant material (check yes or no) and the type of material (e.g., computer files, e-mail files).
 3. Complete the form and certification and provide to your LSN POC.
-

Name:	
Title:	
Org:	
Phone #:	
Fax #:	

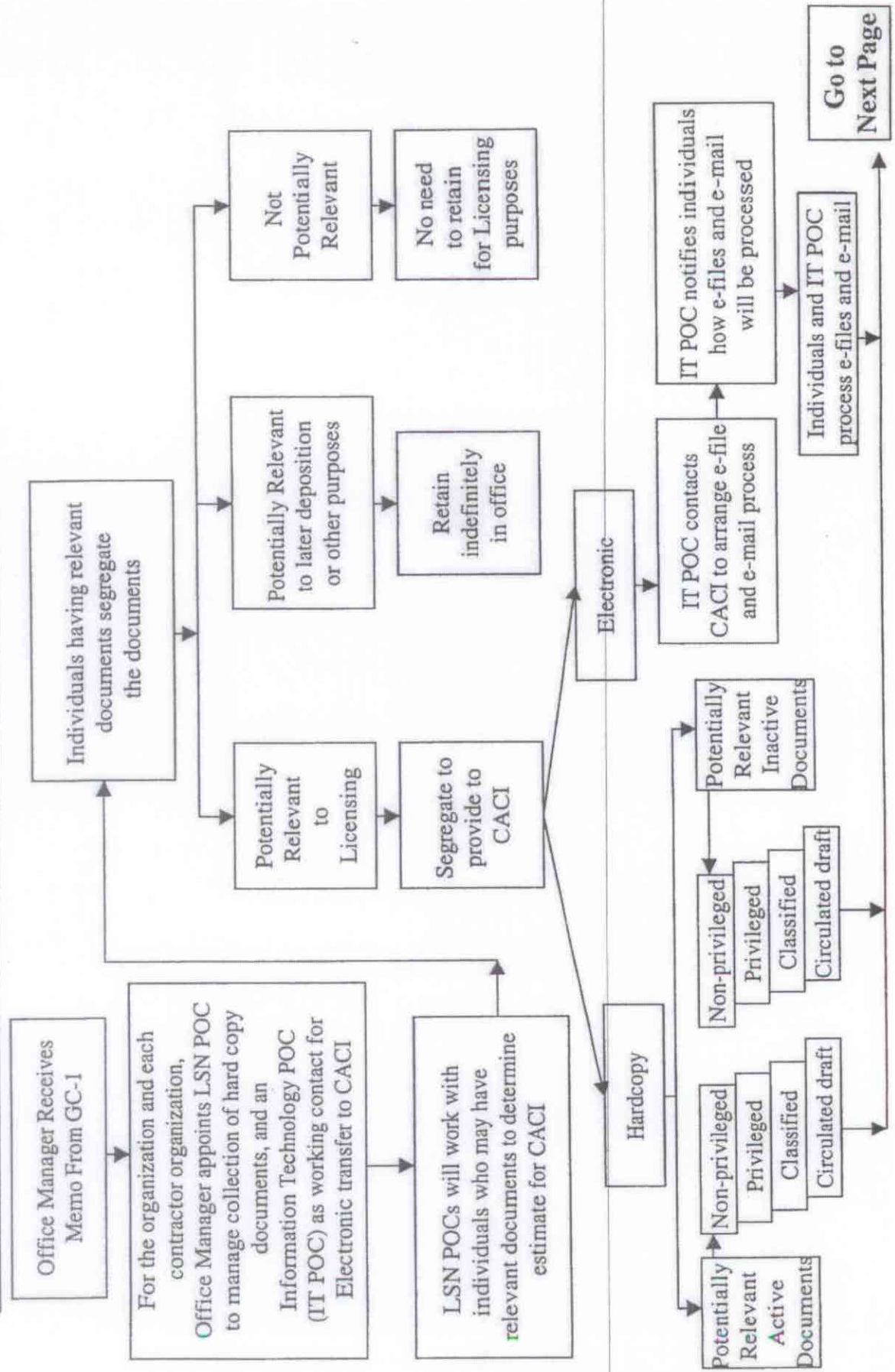
Certification:

I, _____, certify that I have completed this form to the best of my knowledge and ability in response to the DOE OGC Memorandum dated _____. I have reviewed all material in my possession and control for potential relevancy to the NRC licensing application as defined in NRC regulations and further specified in the Memorandum.

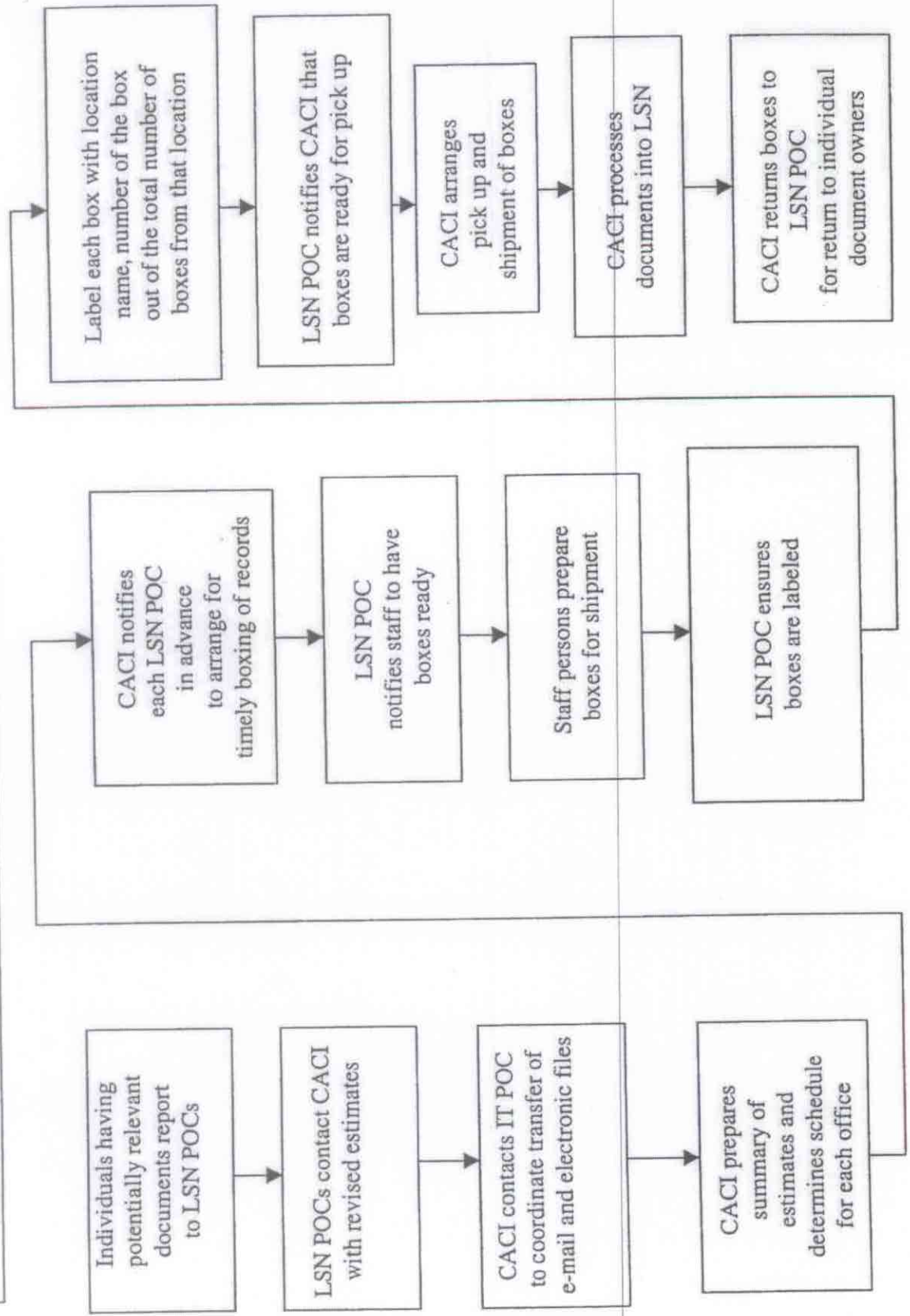
(Signature)

Location:					
Active Hard Copy Documents (each of the four categories listed in inches)		<i>(Active documents are those you cannot release to CACI for processing)</i> Note: CACI will call Point of Contact to coordinate processing of these documents.			
Potentially Relevant Documents: ____	Potentially Relevant Privileged Documents: ____	Potentially Relevant Classified Documents: ____	Potentially Relevant Circulated Draft Documents: ____		
Can these Active Documents be released for local copying?		<input type="checkbox"/> Yes <input type="checkbox"/> No			
Inactive Hard Copy Documents (each of the four categories listed in inches)		<i>(Inactive Documents are those which can be shipped to CACI for processing)</i> Note: documents should be boxed for shipment to CACI. (CACI will coordinate logging, labeling and method of shipment with the Point of Contact.)			
Potentially Relevant Documents: ____	Potentially Relevant Privileged Documents: ____	Potentially Relevant Classified Documents: ____	Potentially Relevant Circulated Draft Documents: ____		
Electronic Material		<input type="checkbox"/> Yes Type of media: <input type="checkbox"/> No			
Comments:					

Attachment 6 - Screening and Processing of Licensing Support Network Documentary Material



Attachment 6 - Screening and Processing of Licensing Support Network Documentary Material



ATTACHMENT J.5

MEMORANDUM FROM DR. MARGARET S.Y. CHU
DATED MAY 8, 2003

OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT
OFFICE OF REPOSITORY DEVELOPMENT

DE-RP28-06RW12383



Department of Energy

Washington, DC 20585

MAY 08 2003

MEMORANDUM FOR DISTRIBUTION

FROM: *for* DR. MARGARET S.Y. CHU, DIRECTOR
OFFICE OF CIVILIAN RADIOACTIVE
WASTE MANAGEMENT

Ronald A. Milner

SUBJECT: Attached Memorandum on the Licensing Support Network (LSN) from
the Office of the General Counsel

Attached is a memorandum from the Office of the General Counsel clarifying what documents are potentially relevant to a future licensing proceeding and how those documents should be provided. This memorandum follows up on my memorandum of August 12, 2002, on this same topic. The preservation, retention, segregation, and preparation of potentially relevant documents for screening and potential processing into the LSN is an important step in our preparation for a license application. It is important to note that managers in each OCRWM and contractor organization receiving this memorandum are responsible for certifying that they have identified all that organization's documentary material potentially relevant to the licensing proceeding as defined in the NRC regulations and to provide such documentary material to CACI for LSN processing as specified in the attached memorandum.

OCRWM has recently arranged for the firm CACI, Inc. to provide litigation support services, including assistance with the screening and processing of documentary material into the LSN. CACI has extensive experience in managing large litigation document production efforts on behalf of its clientele, including the Department of Justice, other federal agencies and DOE. CACI will work closely with each office to schedule a convenient transfer of documents, and ensure that documents provided to CACI are returned in a timely fashion and in the same condition as provided.

Each OCRWM and contractor organization is directed to circulate the attached memorandum to appropriate personnel to initiate the process of searching, estimating, and segregating documents for screening and collection by CACI. In addition, please take the following steps to facilitate prompt implementation of the directives in the attached memorandum.

1. Identify a point of contact within your organization who will be responsible for communicating with CACI and coordinating the search and document production effort within your organization. That person's name, and position title and contact information (e.g., phone number and e-mail address) should be provided to the CACI point of contact, Dan Maerten, by May 15, 2003.



Printed with soy ink on recycled paper

Mr. Maerten can be reached at 703-841-3753, or by e-mail at Dmaerten@caci.com.

2. Identify the certifying official within your organization for this effort. That person's name, and position title, and contact information (e.g., phone number and e-mail address) should be provided to the CACI point of contact, Dan Maerten, by May 15, 2003.
3. Once points of contact are identified and those names provided to CACI, the DOE Office of General Counsel will follow-up with each point of contact to provide a briefing, as needed, to you and appropriate staff on the requirements outlined in the attached memorandum.

If there are any questions, or if additional information is required, please contact the individuals from CACI or GC identified in the attached memorandum.

Distribution:

Office of the Director (RW-1)
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Los Alamos National Laboratory
Lawrence Berkley Laboratory
Lawrence Livermore National Laboratory
Sandia National Laboratory
Argonne National Laboratory
Pacific Northwest Laboratory
U.S. Geologic Survey
Atomic Energy of Canada, Ltd.

ATTACHMENT J.6

DEPARTMENT OF ENERGY DIRECTIVES AND PROJECT PROCEDURES

OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT
OFFICE OF REPOSITORY DEVELOPMENT

DE-RP28-06RW12383

9-30-96

MEMORANDUM FOR ALL DEPARTMENTAL ELEMENTS

FROM: ARCHER L. DURHAM
ASSISTANT SECRETARY FOR
HUMAN RESOURCES AND ADMINISTRATION

SUBJECT: DOE O 200.1, INFORMATION MANAGEMENT PROGRAM

The attached subject Order, developed by the Office of Chief Information Officer, is being issued for simultaneous implementation and coordination. Comments are being solicited for a 45-day period beginning with the effective date of the Order. This Order has been previously reviewed by the Information Management Community, Secretarial Officers and Field Managers.

The new Corporate Order consolidates 18 DOE Orders, eliminates redundancy, and improves the quality and usability of the policies and requirements associated with the Department's various information management functions.

Additional details for the coordination of this Order will be sent directly to the Directives Points of Contact for each organization.

Attachments

NOTE: THIS PAGE MUST BE KEPT WITH DOE O 200.1, INFORMATION MANAGEMENT PROGRAM

U.S. Department of Energy
Washington, D.C.

ORDER

DOE O 200.1

Approved: 9-30-96
Sunset Review: 9-30-98
Expires: 9-30-00

SUBJECT: INFORMATION MANAGEMENT PROGRAM

1. **OBJECTIVES.** It is the policy of the Department of Energy to:
 - a. Ensure Departmental missions and goals, information, information resources, and information technology investment decisions will be made based on programmatic need, using performance-based measures tied to the budget, using sound business practices, and complying with applicable laws and regulations.
 - b. Treat information, information resources, and information technology as corporate assets integrated with programmatic planning and budgeting.
 - c. Provide a framework for managing information, information resources, and information technology investment, which supports the operating elements of the Department in the accomplishment of its missions and functions in both an efficient and effective manner and in accordance with Departmental policy.
2. **CANCELLATION.** The following actions are effective this date for the Orders identified below. Cancellation of an Order does not, by itself, modify or otherwise affect any contractual obligation to comply with such an Order. Canceled Orders that are incorporated by reference in a contract shall remain in effect until the contract is modified to delete the reference to the requirements in the canceled Orders.
 - a. The following Orders are canceled immediately:
 - (1) 1324.5B Records Management Program dated 1-12-95
 - (2) 5900.1A Energy Information Collection, Analysis and Dissemination dated 5-18-92
 - b. The following Orders are redesignated as Guides:
 - (1) 1130.8A Data Integrity Board dated 5-18-92
 - (2) 1330.1D Computer Software Management dated 5-18-92
 - (3) 1410.2 Mail Management dated 4-29-85

DISTRIBUTION:
All Departmental Elements

INITIATED BY:
Chief Information Officer

- (4) 1450.3A Call Control/Verification Programs and Authorized Use of Government Telephone Systems dated 9-12-91
- (5) 1700.1 Freedom of Information Program dated 11-19-79
- (6) 1800.1A Privacy Act dated 8-31-84
- (7) 5300.1C Telecommunications dated 6-12-92

c. The following Orders are to be converted to Manuals and, upon implementation of the applicable Manual, canceled:

- (1) 1331.1D Procurement and Assistance Data System dated 5-18-92
- (2) 1340.1B Management of Public Communications Publications and Scientific, Technical, and Engineering Publications dated 1-7-93
- (3) 1350.1 Audiovisual and Exhibits Management dated 10-28-91
- (4) 1360.2B Unclassified Computer Security Program dated 5-18-92
- (5) 1450.4 Consensual Listening-In to or Recording Telephone/Radio Conversations dated 11-12-92
- (6) 5300.2D Telecommunications: Emission Security (Tempest) dated 5-18-92
- (7) 5300.3D Telecommunications: Communications Security dated 8-3-93
- (8) 5300.4D Telecommunications: Protected Distribution Systems dated 3-4-94
- (9) 5650.2B Identification of Classified Information dated 12-31-91

3. APPLICABILITY.

- a. DOE Elements. Except for exclusions in paragraph 3c, this Order applies to all DOE Elements.
- b. DOE Contractors. Except for the exclusions in paragraph 3c, Contractor Requirements Document (CRD) (Attachment I), sets forth the requirements that are to be applied to the universe of contractors and subcontractors awarded contracts for the operation and management of DOE-owned or DOE-leased facilities. Contractor compliance with the CRD will be required to the extent set forth in a contract. Contractors shall be directed to continue to comply with the requirements of Orders canceled by this Order until their contracts are modified to delete the reference to the requirements of the canceled Orders.
- c. Exclusions: Activities that are regulated through a license by the Nuclear Regulatory Commission (NRC) or a state under an agreement with the NRC,

including activities certified by the NRC under section 1701 of the Atomic Energy Act [same as section 830.2(a)].

4. **REQUIREMENTS.**

- a. Information, information resources, and information technologies shall be managed in a manner that supports the strategic and operational plans of the Department.
- b. Information management activities shall be established, maintained, and managed in a manner that addresses Departmental policy and implements appropriate laws and regulations as specified in Attachment II, References.

5. **RESPONSIBILITIES.**

- a. Chief Information Officer (CIO) is responsible for implementing Federal policy contained in the Information Technology Management Reform Act (ITMRA) of 1996 and Paperwork Reduction Reauthorization Act of 1995. The CIO:
 - (1) provides advice and other assistance to the Secretary of Energy and other senior management personnel of the Department to ensure that information technology is acquired and information resources are managed for the Department consistent with the policies and procedures of the ITMRA;
 - (2) develops, maintains, and facilitates implementation of a sound and integrated information technology architecture for the Department;
 - (3) promotes the effective and efficient design and operation of all major information resources management processes for the Department;
 - (4) partners with the Chief Financial Officer to ensure that the capital planning and investment process is integrated into the budget process; and
 - (5) establishes, implements, and maintains policies, procedures, manuals, and/or guidelines relative to the Department of Energy telecommunications security and unclassified computer security programs for all Departmental elements.
- b. Chief Financial Officer, as provided in the Chief Financial Officer's Act of 1990, is responsible for designing, developing, implementing, and maintaining all financial systems and the financial portions of mixed financial and nonfinancial systems. The Chief Financial Officer and the Chief Information Officer will work together to

ensure that the Department's information systems provide reliable, consistent, and timely program performance information.

- c. Assistant Secretary, Office of Congressional, Public, and Intergovernmental Affairs is the primary office responsible for establishing, maintaining, and managing the policies, standards, and procedures for:
- (1) supporting effective management of Departmental public communications publications;
 - (2) disseminating public information;
 - (3) promoting effective use of information technology for public access to public information;
 - (4) promoting public affairs policy and planning; and
 - (5) managing audio visual and exhibits activities, including reporting audio visual activities for the "Federal Audio Visual Production Report" and coordinating of approvals for distribution of audio visual materials.
- d. Director, Office of Nonproliferation and National Security. The Office of Nonproliferation and National Security is the primary office responsible for establishing, implementing, and maintaining policies, procedures, manuals, and/or guidelines for:
- (1) the classified computer security program in the Department;
 - (2) emergency operations records protection; and
 - (3) the management of the Department of Energy program to identify classified information, documents, or material.
- e. Director, Office of Scientific and Technical Information is the primary office responsible for establishing, maintaining, and managing scientific and technical information policy and guidance to ensure optimum availability of Departmental scientific and technical information to varied customer segments.
- f. Administrator, Energy Information Administration is the primary office responsible for the collection, analysis, and dissemination of energy and statistical information to support the needs of all Departmental elements. Also, the Energy Information Administration is responsible for establishing, implementing, and maintaining

policies, procedures, and guidance for information management activities in energy and statistical information.

g. Departmental Program Offices are responsible to:

- (1) budget for and establish information management capabilities to meet their programmatic mission requirements and ensure that their information technology investments and information resources are effectively managed throughout their life cycle and in a manner that supports the policies and objectives of this directive;
- (2) interpret and translate information management policies in the context of mission accomplishment;
- (3) implement business practices for the creation, collection, and use of information as a corporate resource and link decisions for information management investments, protection, operation, etc., of information and information resources to programmatic missions and Departmental objectives and goals; and
- (4) participate in the development, maintenance, and continuous improvement of information management business policies, corporate business systems, and processes institutionalized by Departmental functional organizations to achieve performance objectives, measures, and expectations.

h. Heads of Other Departmental Elements and Operations and Field Offices are responsible to:

- (1) promote the use of sound business practices in information management and information technology activities consistent with applicable laws and regulations;
- (2) ensure that the policy and objectives of this directive are incorporated into their program planning, management, contract administration, and performance evaluation activities; and
- (3) ensure that requirements and procedures detailed in the policies and manuals of this directive are implemented and that individual information systems under their cognizance are effectively managed throughout their life cycle.

- i. Executive Committee for Information Management. This committee is chaired by the Deputy Secretary of Energy and comprised of senior program and staff officers. The committee will focus attention on managing information as a corporate asset and its value to the Department. The Chief Information Officer will serve as the Executive Secretary to the committee as it focuses on directing the use and sharing of corporate information. The committee assures the Secretary that the Department's information management program and investments are based on mission-oriented performance measures and that sound business practices are being used, consistent with applicable laws and regulations.
- j. Departmental Representative to the Committee for Computing, Information, and Communications Research and Development of the National Science and Technology Council :
 - (1) provides the Secretary and Deputy Secretary policy and programmatic advice and assessments on scientific computing, information, and communications;
 - (2) coordinates the development and submission of any required cross cut budget information with the Chief Financial Officer, the Chief Information Officer, and with other Departmental elements participating in the Committee for Computing, Information, and Communications activities;
 - (3) coordinates scientific computing, communications, and information technology research and development activities across the Departmental elements that participate in the Committee for Computing, Information, and Communications activities; and
 - (4) coordinates the assignment of Departmental representatives to subcommittees and other working groups of the Committee for Computing, Information, and Communications, as appropriate.
- k. Information Management Council. Senior managers from the Program Offices, Operations Offices, and other Departmental Elements will serve on the Departmental Information Management Council. The Council will provide institutional and technical support for such things as: addressing implementation issues for Departmental corporate business systems and implementation issues, coordinating the assessment of administrative information systems integration or consolidation opportunities, endorsing new initiatives, and staffing actions for the Executive Committee for Information Management.
- l. Chief Historian. The Chief Historian:

- (1) determines that records of historic value have been scheduled for permanent retention by reviewing for Headquarters only all Records Transfer Forms (HQ F 1324.8) and other forms used for the transfer of records from office space to low-cost storage;
 - (2) recommends to Headquarters and field organization officials that records of historical value be scheduled for permanent retention;
 - (3) accepts custody of records of historical value no longer requiring retention by the originating office and services all requests for access to these records until they are offered to the National Archives;
 - (4) provides advice concerning appropriate disposition of personal papers; and
 - (5) assists Headquarters and field organizations in determining the historical value of records.
- m. Contracting Officers. Contracting Officers will ensure that the appropriate information management policies, manuals and other directives, and mission-specific information management requirements are clearly transmitted to their respective contractors under the terms of their contracts or in the mission-specific scope of work projects provided within the budgeting process.
6. REFERENCES. References are contained in Attachment II, REFERENCES.
 7. DEFINITIONS. Definitions used throughout this Order can be found in the Department of Energy Glossary.
 8. CONTACT. Questions regarding this Order should be addressed to the Chief Information Officer at (202) 586-0166.

BY ORDER OF THE SECRETARY OF ENERGY:



ARCHER L. DURHAM
Assistant Secretary for
Human Resources and Administration

CONTRACTOR REQUIREMENTS DOCUMENT

Under the terms of their contract, contractors shall perform the following.

1. Manage information management activities in accordance with applicable laws, regulations, and Departmental policy and manuals as identified in their contract, including any additional explicit Departmental information management requirements transmitted by the responsible Contracting Officer.
2. Employ sound business practices for information management to achieve performance objectives identified in their contract.
3. Conduct funded programmatic information management activities in accordance with the work scope (including any specific-mission oriented performance measures) agreed to with Program Offices or customers.

REFERENCES

1. Title 5, United States Code 552, The Freedom of Information Act (Public Law 89-487), as amended, which establishes the right of citizens to request information from Federal Agencies and establishes a framework of procedures to implement this right.
2. Title 5, United States Code 552a, Privacy Act of 1974, (Public Law 93-549), as amended, which establishes requirements for the collection, maintenance, and dissemination of personal information by Federal Agencies.
3. Title 17, United States Code Copyright Law.
4. Title 18, United States Code, Chapter 101, which provides penalties for the unlawful concealment, removal, or mutilation of records.
5. Title 31, United States Code 1348, which permits Federal Agencies to pay charges for long distance telephone calls, if required for official business and sworn to by the Agency head.
6. Title 36, Code of Federal Regulations, Chapter 12, which sets forth policies and procedures concerning the creation, collection, use, documentation, dissemination, and disposition of records maintained by Federal Agencies and The National Archives and Records Administration.
7. Title 44, United States Code, Chapters 21, 29, 31, and 33, which specifies the functions and responsibilities for managing Federal records and the procedures that must be followed to obtain approval for their disposition.
8. Public Law 83-703, The Atomic Energy Act of 1954, as amended.
9. Public Law 73-416, Communications Act of 1934, as amended, which provides for the regulation of interstate and foreign communication by wire or radio and for other purposes; in particular, section 305(a), which establishes Presidential statutory authority to authorize operations of radio stations belonging to, or operated by, the Federal Government; and section 606, which establishes the war emergency telecommunications powers of the President.
10. Public Law 100-235, Computer Security Act of 1987, which provides for a computer standards program within the National Institute of Standards and Technology (NIST) to provide for Governmentwide security and training in security matters of persons who are involved in the management, operation, and use of Federal computer systems and for other purposes.

11. Public Law 102-561, the Software Copyright Protection Act.
12. Public Law 104-13, The Paperwork Reduction Reauthorization Act of 1995, as amended, and its predecessor, Public Law 96-511, The Paperwork Reduction Act of 1980, which establishes a broad mandate for Federal Agencies to perform information activities in an efficient, effective, and economical manner, and specifically recognizes the General Services Administration's role in the acquisition and management of computing resources.
13. Public Law 104-106, the Information Technology Management Reform Act (ITMRA) of 1996.
14. Executive Order 12046, Relating to the Transfer of Telecommunications Functions, dated 3-27-78, which delegates the Presidential responsibilities for management of the electromagnetic spectrum to the Secretary of Commerce and provides for the continuation of the Interdepartmental Radio Advisory Committee to assist the Secretary in the exercising of the delegated Presidential authority, Federal Register, 43, No. 61, of 3-29-78.
15. Executive Order 12472, Assignment of National Security and Emergency Preparedness Telecommunications Functions, dated 4-3-84, which provides for the essential national security emergency preparedness telecommunications needs of the Federal Government and provides guidance to state and local governments and private organizations in an all-hazards environment.
16. Executive Order 12656, Assignment of Emergency Preparedness Responsibilities, dated 11-18-88 (as amended), which assigns national security emergency preparedness responsibilities to Federal Departments and Agencies.
17. Executive Order 12958, Classified National Security Information, dated 4-20-95, which prescribes a uniform system for classifying, safeguarding, and declassifying national security information.
18. Executive Order 13011, Federal Information Technology, dated 7-16-96.
19. National Security Directive 42 dated 7-5-90, which establishes initial objectives, policies, and organizational structure to guide the conduct of activities to secure national security systems from exploitation.
20. National Security Decision Directive Number 47, Emergency Mobilization Preparedness, dated 7-22-82, which directs emergency communications planning and establishes the requirement for programs that assure transition from normal to emergency operations.

21. National Security Decision Directive Number 97 (unclassified version), National Security Telecommunications Policy, dated 8-3-83, which establishes the policy for integrating all of the Nation's telecommunications resources essential to national survival.
22. Office of Management and Budget Circular A-130, as amended, Management of Federal Information Resources, dated 7-15-94, which establishes policy for the management of Federal information resources.
23. Federal Information Resources Management Regulation, 41 Code of Federal Regulations, Chapter 201, which establishes, publishes, and codifies uniform policies and procedures pertaining to information resources management activities by Federal Agencies.